



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC

Docket No: 03865-00

2 November 2000

CE2 M [REDACTED] USNR
[REDACTED]
[REDACTED]

Dear Petty Officer [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 19 July and 15 August 2000, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions.

Specifically regarding the reporting period 16 March 1997 to 15 March 1998, the Board was unable to find your marks in blocks 33 and 34 should have been "5.0" (highest) rather than "3.0" (third best). In this regard, they particularly noted that paragraphs 2.b(1) and (2) of the reporting senior's letter dated 3 April 2000, forwarding the supplemental report for this period, does not indicate that the information cited to justify the highest marks was not considered when the original report was submitted.

Concerning the period 16 March 1998 to 15 March 1999, the Board noted that the supplemental report made no changes to the marks you were assigned, rather, it changed only administrative data and the peer comparison in block 46. They further noted the original entries in block 46 were more favorable to you, as two peers were clearly below you, while the supplemental report showed none below you.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

3465-00

1610
PERS-311
19 July 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: CE2 [REDACTED], US [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his original performance evaluations for the period 6 May 1996 to 15 March 1997, 16 March 1997 to 15 March 1998, and 16 March 1998 to 15 March 1999 and replace them with a supplemental report for the same period, and his supplemental reports be used to re-compute his performance mark average for exam cycle 065 (AUG 99).

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report for the period 6 May 1996 to 15 March 1997, 16 March 1997 to 15 March 1998, and 16 March 1998 to 15 March 1999 and supplemental reports to be on file. The member signed the original reports acknowledging the content of the reports and his right to submit a statement. The member did not desire to submit a statement.

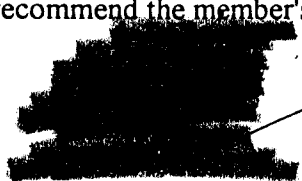
b. Further review of the member's record revealed he was Honorably discharged from the U. S. Naval Reserve (Inactive) on 31 March 1996. On 15 April 1996 he reenlisted in the Naval Reserve for six years in pay grade E-5.

c. In view of the above, the performance evaluations in question are procedurally correct. As the member was discharged from the Naval Reserve there was no promotion recommendation in effect at the time he reenlisted.

d. The member does not prove the reports to be unjust or in error.

(3) A05

3. We feel that the addition of the supplemental evaluations and the correction to the PSR constitutes sufficient relief. We recommend the member's record remain unchanged.

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Head, Performance
Evaluation Branch



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

5420

PERS 862
AUG 15 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
CE2 [REDACTED]

Ref: (a) Assistant for BCNR Matters 5420 (PERS-00ZCB) Memo of
27 Jul 00
(b) BUPERSINST 1610.10

Encl: (1) BCNR File

1. Per reference (a), the following comments and recommendations are submitted concerning Petty Office [REDACTED] case.

2. Reference (b) clearly states that supplemental information submitted after the first of the month in which advancement examinations are administered may not be used in the computation or recomputation of final multiple for that advancement cycle. In view of the findings and recommendations of the Performance Evaluations Branch (PERS-311), an exception in this case is not considered warranted.

3. In view of the above, we recommend Petty Office [REDACTED] petition to recompute his final multiple using supplemental information be denied.

[REDACTED]
G
By direction